

REMARKS

Claims 1-14 are pending in this application. By this Reply, claims 1, 2, 4, 5, 6, 10, and 11 are amended, and new claim 14 is added. No new matter is added. Prompt examination and allowance of this application are respectfully requested.

Initially, Applicants thank Examiner Kim for indicating that claims 2-10 contain allowable subject matter.

In the Office Action, the Examiner objected to claim 11 as being in improper form. Applicants have amended claim 11 to correct the improper multiple dependency. Accordingly, Applicants request that the objection to claim 11 be withdrawn.

The Examiner rejected claims 1, 12, and 13 under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not enable a person skilled in the art to make and/or use the invention commensurate in scope with these claims. Applicants respectfully traverse this rejection.

In the Office Action, the Examiner alleges that "the specification does not teach any other functions that can be used in the data setting device." Applicants disagree and submit that the existence of other quantities characterizing the dialysis treatment were known to persons of ordinary skill in the art, and further, that the disclosure includes the use of functions of such quantities as the first function and/or as the second function. For example, a person of ordinary skill in the art would appreciate that the first quantity may be the infusion rate, and the second quantity may be the dialysis liquid conductivity. Alternatively, the first quantity may be the infusion rate, and the second quantity may be the concentration of a substance in the dialysis liquid; or the first quantity may be the weight loss rate, and the second quantity may be the concentration

of a substance in the dialysis liquid; or the first quantity may be the concentration of a substance in the dialysis liquid, and the second quantity may be the dialysis liquid conductivity; or the first quantity may be the ultrafiltration rate, and the second quantity may be the dialysis liquid conductivity; or the like. Thus, the functions of weight loss rate and dialysate conductivity, as recited, for example, in claim 2, are merely exemplary quantities selected from many quantities known to persons of ordinary skill in the art.

In addition, claims 1-4, 12, and 13 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. A typographical error in the recitation of the second function “ $U(t)$ ” has been amended to correctly recite “ $C(t)$.” Regarding “the conditions of a dialysis treatment adapted to a specific patient” recited in claim 1, Applicants submit that these “conditions” refer generally to conditions of a dialysis treatment that are known to persons of ordinary skill in the art, and are not limited to any specific conditions. Furthermore, Applicants submit that the conditions U_0 (value of initial weight loss), TWL (total weight loss), and DT (dialysis treatment time) recited in claim 5 are exemplary conditions of a dialysis treatment adapted to a specific patient that may be determined in accordance with the respective step recited in claim 1.

Regarding the first and second functions $U(t)$ and $C(t)$, respectively, Applicants submit that these “functions” refer generally to functions characterizing the dialysis treatment as a function of time that are known to persons of ordinary skill in the art, and are not limited to any specific functions. Furthermore, Applicants submit that the conditions $U(t)$ (a function characterizing the weight loss in unit time) and $C(t)$ (a function characterizing conductivity of a dialysate in unit time) recited in, for example,

claims 4 and 6 are exemplary functions characterizing the dialysis treatment as a function of time that may be determined in accordance with the respective steps recited in claim 1. Accordingly, Applicants submit that claims 1-4, 12, and 13 are definite and that the § 112 rejections of claims 1-4, 12, and 13 should be withdrawn.

New claim 14 depends from allowable claim 10 and is therefore also allowable. Having addressed each of the Examiner's objections and rejections, Applicants submit that pending claims 1-14 are in condition for allowance.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

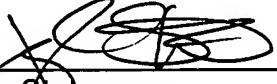
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account NO. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: May 13, 2004

By: 
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Attachments: **Substitute Abstract**